

## REMARKS

New claims 16-23 have been added. Support for the new claims can be found throughout the specification, including for example, at pages 4-5, and in the claims as originally filed. These amendments introduce no new matter.

Claims 1-23 are pending in the application, with claims 1, 9 and 16 being the independent claims.

### **I. The Rejection of Claims 1-5, 8-9, 11 and 13-15 Under 35 U.S.C. § 102(b) Should be Withdrawn**

Claims 1-5, 8-9, 11 and 13-15 have been rejected at page 2 of the Office Action, as allegedly being anticipated by EP 1369516 (hereinafter “EP ‘516”). Applicants respectfully traverse this rejection.

The Office Action suggests that EP ‘516 discloses a device for winding knitted nets to a given width at a winding point in which spacer elements are arranged ahead of the winding point along which the thrums of the knitted net are guided. The Office Action therefore concludes that the claimed invention is allegedly anticipated by EP ‘516. Applicants respectfully disagree with these contentions and conclusions.

As set forth in M.P.E.P. § 2132, “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Applicants respectfully submit that EP ‘516 does not disclose every element of the present claims, hence cannot and does not anticipate the presently claimed invention.

Specifically, present claim 1 (and hence, claims 2-5 and 8 that depend ultimately therefrom) recites a process for the winding of nets knitted from thrums and wefts to a given winding width at a winding point, comprising guiding the thrums of the knitted net along spacer elements ahead of the winding point after the net has been knitted. Present claim 9 (and hence, claims 11 and 13-15) recites a device for winding knitted nets that have been knitted from thrums

and wefts to a given winding width at a winding point, comprising spacer elements which are arranged ahead of the winding point along which the thrums of the knitted net are guided.

Applicants respectfully submit that, as set forth in paragraph [0016] in EP '516, the corrugations are used to force the schusses to traverse a longer distance as the schusses move between the knitting machine needles than would be traversed in a conventional knitting machine. Due to the corrugations the schusses cannot move in a straight line but must follow the curvature of the corrugations. The thrums are guided in parallel between the corrugations. There is no disclosure given that the thrums in any form are guided along the corrugations, as the thrums are guided along the spacer elements in the presently claimed invention. The corrugations are just used to elongate the schusses in EP '516.

To allow the schusses to elongate by following the curvature of the corrugations of the trick plate according to EP' 516, it is necessary to guide the thrums along the grooves between the corrugations (grooves between corrugations 24 in FIG. 4A of EP' 516). Since the grooves are parallel and directly in-line to a needle, it is not possible to alter the winding width by using a corrugated plate as shown in FIG. 4A, as required in the presently claimed invention. The thrums each follow the way as given by the needles.

Since the distance between the grooves between the corrugations corresponds to the distance of the needles knitting the thrums and the grooves are parallel to each other, it is not possible to alter the winding width by using the corrugated plate as described in EP' 516. Thus, EP '516 does not disclose the presently claimed invention, wherein the nets are wound to a given winding width at a winding point.

In view of the foregoing remarks, Applicants respectfully submit that EP '516 does not disclose all of the elements of the present claims. Thus, EP '516 cannot and does not anticipate the presently claimed invention. Reconsideration and withdrawal of the rejection under 35 U.S.C. §102(b) are respectfully requested.

## **II. The Rejection of Claims 6-7, 10 and 12 Under 35 U.S.C. § 103(a) Should be Withdrawn**

Claims 6-7, 10 and 12 have been rejected in the Office Action at page 3 under 35 U.S.C. § 103(a) as allegedly being obvious over EP '516 in view of U.S. Patent No. 3,646,782 (hereinafter "the '782 patent"). Applicants respectfully traverse this rejection.

The Office Action suggests that EP '516 discloses the claimed invention as set forth above. However, the Office Action concedes that the reference fails to disclose moving the spacer or rotating the spacer. The Office Action attempts to cure this deficiency with the disclosure of the '782 patent, suggesting that the '782 patent discloses the concept of moving spacers connected by a common electric motor which rotates the shaft. The Office Action therefore concludes that it would have been obvious to modify the disclosure of EP '516 with the movement of spacers disclosed in the '782 patent, and use any old and well known movement of the spacer as another way of oscillating the spacer. Applicants respectfully disagree with these contentions and conclusions.

As discussed in detail above, Applicants submit that EP '516 fails to disclose the presently claimed invention. Applicants submit that this deficiency is not cured by the disclosure of the '782 patent as this reference is also directed to methods and devices for knitting of nets (*see* the '782 patent at column 1), not for the winding of nets to a given width a winding point. Thus, Applicants submit that EP '516 and the '782 patent, alone or in combination, do not disclose the presently claimed invention, and hence, the Office Action has not set forth a *prima facie* case of obviousness.

In view of the foregoing remarks, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a).

### **III. New Claims 16-23**

Applicants respectfully submit that new claims 16-23, which recites the knitting a net from thrums and wefts with a knitting machine, and guiding the thrums of the knitted net along spacer elements ahead of the winding point after the net has been knitted and after the net has left the knitting machine, are neither anticipated nor rendered obvious by the references cited in the office action.

For example, as disclosed in EP '516, the corrugations are part of the knitting machine, and thus, the net does not leave the knitting machine as in present claims 16-23. The '782 patent also does not disclose present claims 16-23. Therefore, Applicants submit that these claims are in condition for allowance.

### **IV. Conclusion**

Applicants believe that the claims of the present application are in condition for allowance and respectfully request allowance thereof. The Examiner is invited to telephone the undersigned if that would be helpful in resolving any issues.

With the exception of extension of time fees, no fees are believed due for this submission. The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application or credit any overpayment, to Deposit Account No. 50-5071. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-5071.

Respectfully submitted,

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By: /Jeffrey K. Mills/

FANELLI STRAIN & HAAG PLLC

**Customer No. 91436**

1455 Pennsylvania Avenue, N.W.

Suite 400

Washington, D.C. 20004

Telephone: 202.621.1840

Facsimile: 202.621.1844

Jeffrey K. Mills

Registration No. 56,413

Attorney for Applicants